

**TOWN OF BIG FLATS AGENDA
WEDNESDAY, APRIL 8, 2014 AT 4:30 P.M.**

WATER BOARD

CALL TO ORDER

NEW BUSINESS

Extension of Water Districts 1, 2 & 3 – set a public hearing
Consolidation of Water Districts 1, 2 & 3 – set a public hearing
Software with CUSI for Water Department

TOWN BOARD

CALL TO ORDER

CONCERNS OF PEOPLE

REPORTS

UNFINISHED BUSINESS

Conservation & Recreation Conservation Zoning Amendment

NEW BUSINESS

Community Broadcasters LLC
Purchase Utility Trailer
Tax Collector Seminar
Code of Ethics
Communication Log

PROPOSED RESOLUTION NO. 01-040815
A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE EXTENSIONS
OF THE BIG FLATS WATER DISTRICTS 1, 2 AND 3

Resolution by:

Seconded by:

WHEREAS the Town of Big Flats has duly caused to be prepared by Timothy Steed of Hunt Engineers, Architects & Land Surveyors, PC a map showing the boundaries of the proposed extension of the Water Districts 1-3 in the Town of Big Flats, a general plan to serve the proposed water district and a report (Map, Plan & Report – Project 1207.057) on the proposed method of operation thereof, and

WHEREAS said Map, Plan and Report including estimates of the costs of the extension itself which was prepared by Timothy K. Steed, P.E. a duly licensed professional engineer in the State of New York and has been filed in the office of Town Clerk of the Town of Big Flats, where the same is available during regular business hours for examination by any person interested in the subject matter, and

WHEREAS the boundaries of the proposed Big Flats Water Districts Extension are set forth in Schedule “A” attached hereto, and

WHEREAS the proposed extension is being made in order to more effectively administer the Water Districts and enhance the provision of water services to Town residences and businesses, and

WHEREAS it is determined that property, including vacant lots that will be in District 3 after this extension is approved and that are located within the metes and bounds of the proposed Water District 3 extension and have access to a Town water main (including having a water main on either side of the road adjacent to the property) shall be responsible to pay their share of current Water District 3 debt, and

WHEREAS, the maximum amount to be expended for this extension itself is estimated to be at no cost of preparing the Map, Plan & Report, now

THEREFORE BE IT RESOLVED AND ORDERED as follows:

1. That a meeting of the Town Board of the said Town of Big Flats shall be held at the Town Hall, located at 476 Maple Street., Big Flats, New York, 14814, on April 22, 2015, at 7:00 p.m., to consider the Extension of the Big Flats Water Districts and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said Districts’ extensions as may be required by law or proper in the premises. And for action determining that property including vacant lots that will be in District 3 after this extension is approved and that are located within the metes and bounds of the proposed Water District 3 extension and have access to a Town water main (including having a water main on either side of the road adjacent to the property) shall be responsible to pay their share of current Water District 3 debt;

2. That the Town Clerk is hereby directed to publish a certified copy of this Order at least once in the official newspaper of the Town, the first publication to be not less than ten days nor more than twenty days before the date of the public hearing as set above and the Town Clerk shall also post on the signboard of the Town not less than 10 days and no more than twenty days prior to the date of the public hearing as set above.

Dated: _____, 2015

**BY THE ORDER OF THE TOWN BOARD OF THE TOWN OF BIG FLATS,
NEW YORK
LINDA J. CROSS, TOWN CLERK**

SCHEDULE "A"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF BIG FLATS, COUNTY OF CHEMUNG, STATE OF NEW YORK, BEING WATER DISTRICTS 1-3 FOR THE TOWN OF BIG FLATS AND BEING MORE ACCURATELY BOUNDED AND DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Big Flats, County of Chemung, State of New York and more particularly described as follows:

Beginning at a point on the southern right of way line of County Route 64, said point being the northeastern corner of Tax Map Parcel No. 58.03-1-3 and being on the eastern boundary line of the Town of Big Flats;

Thence in a southerly direction along the Town of Big Flats Town line a distance of 1747.75 +/- feet to a point, said point being on the northerly right of way line of Pennsylvania Lines and being on the easterly boundary line of the Town of Big Flats;

Thence in a southwesterly direction along the northerly right-of-way line of Pennsylvania Lines LLC a distance of 3393 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 57.04-1-6;

Thence in an southeasterly direction across the property of Pennsylvania Lines LLC to a point, said point being on the southerly right-of-way line of Pennsylvania Lines LLC, and being the northeast corner of Tax Map Parcel No. 68.00-1-4;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 68.00-1-4 a distance of 1158 +/- feet to point, said point being the southeast corner of Tax Map Parcel No. 68.00-1-4;

Thence in an westerly direction along the southern boundary line of Tax Map Parcel No. 68.00-1-4 a distance of 2389 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 68.00-1-4;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 68.00-1-2 a distance of 806 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 68.00-1-2;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 68.00-1-2 a distance of 1950 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 68.00-1-2;

Thence in a northwesterly direction along the western boundary line of Tax Map Parcel No. 68.00-1-2 a distance of 703 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.02-1-6;

Thence in a westerly direction along the southern boundary line of Tax Map Parcel Nos. 67.02-1-6, 67.02-1-8 and 67.02-1-9 a distance of 1198 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.02-1-9;

Thence in a northwesterly direction along the western boundary line of Tax Map Parcel No. 67.02-1-9 a distance of 1909 +/- feet to a point; said point being the north corner of Tax Map Parcel No. 67.02-2-5;

Thence in a southeasterly direction along the northern boundary line of Tax Map Parcel No. 67.02-2-5 a distance of 749 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.02-2-5;

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel Nos. 67.02-2-4 and 67.02-2-3 a distance of 734 +/- feet to a point; said point being the north corner of Tax Map Parcel No. 67.02-2-3;

Thence in a southwesterly direction along the northern boundary line of Tax Map Parcel No. 67.02-2-2 a distance of 599 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.02-2-2;

Thence in a southerly direction along the western boundary line of Tax Map Parcel No. 67.02-2-2 a distance of 422 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.02-2-2;

Thence in a northwesterly direction along the northern right-of-way line of Farr Lane a distance of 552 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.01-1-33;

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel No. 67.01-1-33 a distance of 210 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 67.01-1-33;

Thence in a southwesterly direction along the northern boundary line of Tax Map Parcel Nos. 67.01-1-33, 67.01-1-32 and 67.01-1-31 a distance of 360 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.01-1-31;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 67.01-1-31 a distance of 210 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.01-1-31 and being on the northerly right-of-way line of Farr Lane;

Thence in a southeasterly direction across the right-of-way of Farr Lane a distance of 50 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.01-1-34 and being on the southerly right-of-way line of Farr Lane;

Thence in an easterly direction along the southern right-of-way of Farr Lane a distance of 714 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 67.02-2-12;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 67.02-2-12 a distance of 730 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.02-2-12;

Thence in a southeasterly direction along the eastern boundary line of Tax Map Parcel No. 67.02-2-13 a distance of 391 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.02-2-13;

Thence in a westerly direction along the southern boundary line of Tax Map Parcel No. 67.02-2-13 a distance of 503 +/- feet to a point; said point being the north corner of Tax Map Parcel No. 67.04-1-5;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 67.02-2-13 a distance of 46 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.02-2-13;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 67.02-2-13 a distance of 533 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.02-2-13;

Thence in a northwesterly direction along the western boundary line of Tax Map Parcel Nos. 67.01-1-37, 67.01-1-38, 67.01-1-39, 67.01-1-40 and 67.01-1-41 a distance of 476 +/- feet to a point; said point being the west corner of Tax Map Parcel No. 67.01-1-44;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel Nos. 67.01-1-44, 67.01-1-45, and 67.01-1-46 a distance of 306 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.01-1-47;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 67.01-1-47 a distance of 89 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.01-1-47;

Thence in a northwesterly direction along the western boundary line of Tax Map Parcel No. 67.01-1-47 a distance of 101 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 67.01-1-48;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 67.01-1-48 a distance of 189 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 67.01-1-48 and being on the eastern right-of-way line of Harris Hill Road;

Thence in a southwesterly direction across the right-of-way of Harris Hill Road a distance of 55 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.03-3-29.4 and being on the western right-of-way line of Harris Hill Road;

Thence in a southeasterly direction along the western right-of-way of Harris Hill Road a distance of 1758 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.03-3-29.23 and being on the western right-of-way line of Harris Hill Road;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 67.03-3-29.23 a distance of 299 +/- feet to a point; said point being the west corner of Tax Map Parcel No. 67.04-1-9;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 67.03-3-29.22 a distance of 200 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.03-3-29.22;

Thence in a southwesterly direction along the southeastern boundary line of Tax Map Parcel No. 67.03-3-29.22 a distance of 227 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.03-3-29.22;

Thence in a northwesterly direction along the southwestern boundary line of Tax Map Parcel No. 67.03-3-29.22 a distance of 227 +/- feet as it follows the drainage way to a point; said point being the southeast corner of Tax Map Parcel No. 67.03-3-29.25;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel Nos. 67.03-3-29.25, 67.03-3-29.26 and 67.03-3-29.27 a distance of 703 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 67.03-3-29.27;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 67.00-1-2 a distance of 2976 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 67.03-3-29.32;

Thence in a northeasterly direction along the northern boundary line of Tax Map Parcel No. 77.00-1-5 a distance of 606 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 77.00-1-5;

Thence in a southeasterly direction along the eastern boundary line of Tax Map Parcel Nos. 77.00-1-5 and 77.00-1-6 a distance of 2117 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 77.00-1-6;

Thence in a southwesterly direction across the northern right-of-way of Harris Hill Road a distance of 50 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 77.00-1-28.1 and being on the southern right-of-way line of Harris Hill Road;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 77.00-1-28.1 a distance of 520 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 77.00-1-6;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 77.00-1-6 a distance of 709 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 77.00-1-28.2;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel Nos. 77.00-1-28.1, 77.00-1-28.2, 77.00-1-29 and 77.00-1-30 a distance of 2992 +/- feet to a point; said point being the southeasterly portion of Tax Map Parcel No. 77.00-1-30;

Thence in a southwesterly direction along the northern boundary line of Tax Map Parcel No. 77.00-1-30 a distance of 581 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 77.00-1-31;

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel No. 77.00-1-31 a distance of 1768 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 77.00-1-31;

Thence in a southwesterly direction along the northern boundary line of Tax Map Parcel No. 77.00-1-31 a distance of 1853 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 77.00-1-31;

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel Nos. 77.00-1-32.13 and 77.00-1-32.12 a distance of 1309 +/- feet to a point; said point being the north corner of Tax Map Parcel No. 77.00-1-32.12 and being on the easterly right-of-way line of Harris Hill Road;

Thence in a northerly direction on the eastern right-of-way line of Harris Hill Road a distance of 552 +/- feet to a point, said point being on the eastern right-of way line of Harris Hill Road;

Thence in a westerly direction across the right-of-way of Harris Hill Road a distance of 50 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 77.00-1-4 and being on the westerly right-of-way line of Harris Hill Road;

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel Nos. 77.00-1-4 and 77.00-1-3 a distance of 1950 +/- feet to a point; said point being the southeast corner of Tax Map Parcel No. 76.00-2-30;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 76.00-2-30 a distance of 4116 +/- feet to a point; said point being the on the southern boundary line of Tax Map Parcel No. 76.00-2-30, and being 1555 +/- feet from the easterly right-of-way line of New York State Route 352;

Thence in a northwesterly direction across the property of Tax Map Parcel Nos. 76.00-2-30 and 76.00-2-28 a distance of 976 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 76.00-2-27;

Thence in a westerly direction along the southern boundary line of Tax Map Parcel Nos. 76.00-2-27 and 76.00-2-26.12 a distance of 1857 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-26.12 and being on the eastern right-of-way line of New York State Route 352;

Thence in a northwesterly direction along the eastern right-of-way of New York State Route 352 a distance of 3444 +/- feet to a point; said point being the northwest corner of Tax Map Parcel No. 66.04-4-47 and being on the eastern right-of-way line of New York State Route 352;

Thence in a southeasterly direction across the right-of-way of New York State Route 352 a distance of 94 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 76.00-2-17 and being on the western right-of-way line of New York State Route 352;

Thence in a northwesterly direction along the western right-of-way of New York State Route 352 a distance of 58 +/- feet to a point; said point being the northeast corner of Tax Map Parcel No. 76.00-2-16 and being on the western right-of-way line of New York State Route 352;

Thence in a southwesterly direction along the southern boundary line of Tax Map Parcel No. 76.00-2-15 a distance of 84 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-15;

Thence in a southeasterly direction along the western boundary line of Tax Map Parcel No. 76.00-2-16 a distance of 38 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-16;

Thence in a westerly direction along the northern boundary line of Tax Map Parcel No. 76.00-2-17 a distance of 454 +/- feet to a point, said point being on the northwest corner of Tax Map Parcel No. 76.00-2-17;

Thence in a southerly direction along the western boundary line of Tax Map Parcel No. 76.00-2-17 a distance of 467 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-17;

Thence in a easterly direction along the southern boundary line of Tax Map Parcel No. 76.00-2-17 a distance of 284 +/- feet to a point, said point being the northwesterly corner of Tax Map Parcel No. 76.00-2-19;

Thence in a southerly direction along the western boundary line of Tax Map Parcel Nos. 76.00-2-19 and 76.00-2-21 as it follows Gardner Creek a distance of 1111 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-21;

Thence in a easterly direction along the southern boundary line of Tax Map Parcel No. 76.00-2-21 a distance of 1228 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 76.00-2-21 and being on the westerly right-of-way line of New York State Route 352;

Thence in a southeasterly direction along the western right-of-way of New York State Route 352 a distance of 275 +/- feet to a point, said point being the north corner of Tax Map Parcel No. 76.00-2-23 and being on the westerly right-of-way line of New York State Route 352;

Thence in a southerly direction along the western boundary line of Tax Map Parcel Nos. 76.00-2-23, 76.00-2-24 and 76.00-2-25 a distance of 1613 +/- feet to a point, said point being the west corner of Tax Map Parcel No. 76.00-2-25, and being on the northern bank of the Chemung River;

Thence in a westerly direction along the northern bank of the Chemung River a distance of 4360 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 76.00-2-1.3;

Thence in a northerly direction along the eastern boundary line of Tax Map Parcel No. 76.00-2-1.3 a distance of 345 +/- feet to a point, said point being the northeasterly corner of Tax Map Parcel No. 76.00-2-1.3;

Thence in a westerly direction along the northern boundary line of Tax Map Parcel No. 76.00-2-1.3 a distance of 599 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 76.00-2-2;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 76.00-2-2 a distance of 585 +/- feet to a point, said point being the north corner of Tax Map Parcel No. 76.00-2-1.3 and being on the easterly right-of-way line of South Corning Road;

Thence in a northerly direction along the eastern right-of-way of South Corning Road a distance of 1551 +/- feet to a point, said point being on the northwest corner of Tax Map Parcel No. 76.00-2-1.1 and being the southeast intersection of the right-of-way lines of South Corning Road and New York State Route 352;

Thence in a northerly direction across the right-of-way of New York State Route 352 a distance of 55 +/- feet to a point; said point being the southwest corner of Tax Map Parcel No. 66.03-1-28.2 and being on the northern right-of-way line of New York State Route 352;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 76.00-2-28.2 a distance of 841 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 76.00-2-28.2;

Thence in a northeasterly direction along the southerly right-of-way line of Pennsylvania Lines LLC a distance of 1319 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 66.03-1-22.3;

Thence in a northeasterly direction across the right-of-way line of Pennsylvania Lines LLC a distance of 246 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 66.03-1-6;

Thence in a northerly direction along the western boundary line of Tax Map Parcel Nos. 66.03-1-6, 66.03-1-5 and 66.03-1-4 a distance of 1281 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 66.03-1-4;

Thence in a northeasterly direction along the southern right-of-way line of Interstate 86 (New York State Route 17) a distance of 5373 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 66.02-2-49 and being on the southern right-of-way line of Interstate 86 (New York State Route 17);

Thence in a northeasterly direction along the western boundary line of Tax Map Parcel No. 66.02-2-46 a distance of 26 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 66.02-2-46 and being on the southern right-of-way line of Interstate 86 (New York State Route 17);

Thence in a northeasterly direction across the right-of-way line of Interstate 86 (New York State Route 17) a distance of 371 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 66.02-2-33 and being on the northern right-of-way line of Interstate 86 (New York State Route 17);

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 66.02-2-33 a distance of 538 +/- feet to a point, said point being on the northwest corner of Tax Map Parcel No. 66.02-2-33;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel No. 66.02-2-33 a distance of 509 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 66.02-2-31.122 and being on the northern right-of-way line of Interstate 86 (New York State Route 17);

Thence in a northerly direction along the eastern boundary line of Tax Map Parcel No. 66.02-2-31.122 a distance of 178 +/- feet to a point, said point being on the southerly boundary line of Tax Map Parcel No. 66.02-2-31.123 and being on the northern right-of-way line of Interstate 86 (New York State Route 17);

Thence in an easterly direction along the southern boundary line of Tax Map Parcel No. 66.02-2-31.123 a distance of 124 +/- feet to a point, said point being the south corner of Tax Map Parcel No. 66.02-2-31.123 and being on the northern right-of-way line of Interstate 86 (New York State Route 17);

Thence in a northwesterly direction along the eastern boundary line of Tax Map Parcel No. 66.02-2-31.123 a distance of 538 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 66.02-2-31.123;

Thence in a southwesterly direction along the right-of-way line of Daniel Zenker Drive a distance of 260 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 66.02-2-31.123 and being on the southern right-of-way line of Daniel Zenker Drive;

Thence in a northerly direction across the right-of-way of Daniel Zenker Drive a distance of 114 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 66.02-2-31.11;

Thence in a northerly direction along the eastern boundary line of Tax Map Parcel No. 66.02-2-31.11 a distance of 440 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 66.02-2-31.11;

Thence in a westerly direction along the northern boundary line of Tax Map Parcel No. 66.02-2-31.11 a distance of 1423 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 66.02-2-31.171;

Thence in a northerly direction along the western boundary line of Tax Map Parcel Nos. 66.02-2-31.171 and 56.04-1-2.1 a distance of 2181 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.04-1-2.1;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 56.04-1-2.1 a distance of 477 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 56.04-1-2.2;

Thence in a northerly direction along the eastern boundary line of Tax Map Parcel No. 56.04-1-2.2 a distance of 631 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 56.04-1-2.2;

Thence in a westerly direction along the northern boundary line of Tax Map Parcel No. 56.04-1-2.2 a distance of 116 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 56.00-1-46.111;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 56.04-3-1 a distance of 138 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.04-3-1;

Thence in a northeasterly direction along the northern boundary line of Tax Map Parcel No. 56.04-3-1 a distance of 574 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 56.00-1-46.13;

Thence in a northeasterly direction along the western boundary line of Tax Map Parcel Nos. 56.00-1-46.111, 56.00-1-46.3, 56.04-4-5, 56.00-1-45.3 a distance of 1194 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-45.3;

Thence in a westerly direction along the southern boundary line of Tax Map Parcel No. 56.00-1-45.2 a distance of 28 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 56.00-1-45.2;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 56.00-1-45.2 a distance of 66 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-45.2;

Thence in a westerly direction along the southeastern boundary line of Tax Map Parcel No. 56.00-1-40 and 56.00-1-41 a distance of 621 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 56.00-1-40;

Thence in a northeasterly direction along the western boundary line of Tax Map Parcel No. 56.00-1-40 a distance of 513 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-40 and being on the southerly right-of-way line of Eachers Hollow Road;

Thence in a northwesterly direction across the right-of-way of Eachers Hollow Road a distance of 112 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 56.00-1-32 and being on the northerly right-of-way line of Eachers Hollow Road;

Thence in a northeasterly direction along the western boundary line of Tax Map Parcel No. 56.00-1-32 a distance of 184 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-32;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel Nos. 56.00-1-32, 56.00-1-31.1, 56.00-1-31.2, and 56.00-1-28, as it follows Eachers Hollow Creek a distance of 725 +/- feet to a point, said point being on the northeast corner of Tax Map Parcel No. 56.00-1-28 and being on the westerly right-of-way line of Breed Hollow Road;

Thence in an easterly direction across the right-of-way line of Breed Hollow Road a distance of 50 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 57.01-1-1 and being on the easterly right-of-way line of Breed Hollow Road;

Thence in an northerly direction along the eastern right-of-way line of Breed Hollow Road a distance of 1251 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-25 and being on the easterly right-of-way line of Breed Hollow Road;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel No. 56.00-1-25 a distance of 438 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 56.00-1-25;

Thence in a southwesterly direction along the western boundary line of Tax Map Parcel No. 56.00-1-24 a distance of 362 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 56.00-1-24;

Thence in an easterly direction along the southern boundary line of Tax Map Parcel No. 56.00-1-24 a distance of 284 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 56.00-1-4 and being on the western right-of-way line of Hibbard Road;

Thence in a southerly direction across the right-of-way of Hibbard Road a distance of 264 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 56.00-1-23.2 and being on the easterly right-of-way line of Hibbard Road;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 56.00-1-23.2 a distance of 1162 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 56.00-1-23.2;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 56.00-1-23.2 a distance of 365 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 56.00-1-23.2;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 57.01-1-1 a distance of 1308 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 57.01-1-1;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 57.01-1-1 a distance of 1706 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 57.01-2-2.2;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel No. 57.01-2-2.2 a distance of 603 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 57.03-2-2.2;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 57.03-2-3.1 a distance of 3229 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 57.03-2-3.1;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel Nos. 57.03-2-3.1, 57.03-2-4, 57.03-2-6, 57.03-2-7, and 57.03-2-9.11 a distance of 2958 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 57.03-2-9.11, and being on the western right-of-way line of Yawger Road;

Thence in a southerly direction along the western right-of-way line of Yawger Road a distance of 3380 +/- feet to a point, said point being the southwesterly corner of Tax Map Parcel No. 57.03-2-10, and being the westerly right-of-way line of Yawger Road;

Thence in an easterly direction across Yawger Road a distance of 50 +/- feet to a point, said point being on the eastern right-of-way line of Yawger Road;

Thence in a northerly direction along the eastern right-of-way line of Yawger Road a distance of 586 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 57.01-1-28.12 and being on the easterly right-of-way line of Yawger Road;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 57.01-1-28.12 a distance of 399 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 57.01-1-28.12;

Thence in a northerly direction along the eastern boundary line of Tax Map Parcel Nos. 57.01-1-28.13 and 57.01-1-28.11 a distance of 2879 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 57.02-1-65.3;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel Nos. 57.02-1-65.3, 57.02-1-64 and 57.02-1-63 a distance of 1895 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 57.02-1-62;

Thence in a northeasterly direction along the western boundary line of Tax Map Parcel Nos. 57.02-1-62, 57.02-1-61, 57.02-1-60, 57.02-1-59, 57.02-1-58.1, 57.02-1-58.2, a distance of 768 +/- feet to a point, said point being the north corner of Tax Map Parcel No. 57.02-1-58.2, and being on the southerly right-of-way line of Park Terrace;

Thence in a northerly direction across the right-of-way of Park Terrace a distance of 50 +/- feet to a point, said point being on the northerly right-of-way line of Park Terrace, and being the west corner of Tax Map Parcel No. 57.01-1-57;

Thence in a northeasterly direction along the northern boundary line of Tax Map Parcel Nos. 57.02-1-57, 57.02-1-56, 57.02-1-55, 57.02-1-54, 57.02-1-53, 47.04-1-39.21, 47.04-1-39.23, a distance of 501 +/- feet to a point, said point being on the northwest corner of Tax Map Parcel No. 47.04-1-39.22; and being on the southern right-of-way line of Ponderosa Drive;

Thence in a northerly direction across the right-of-way of Ponderosa Drive a distance of 50 +/- feet to a point, said point being on the northerly right-of-way line of Ponderosa Drive, and being the southwest corner of Tax Map Parcel No. 47.04-1-39.1;

Thence in a northerly direction along the western boundary line of Tax Map Parcel Nos. 47.04-1-39.1 and 47.04-1-38 a distance of 325 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-1-8;

Thence in a westerly direction along the southern boundary line of Tax Map Parcel No. 47.04-2-2.1 a distance of 1066 +/- feet to a point, said point being the southwest corner of Tax Map Parcel No. 47.04-2-2.1;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 47.04-2-2.1 a distance of 693 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-2-2.1;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel No. 47.04-2-2.1 a distance of 1066 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 47.04-2-2.1, and being on the western right-of-way line of Chambers Road;

Thence in a southeasterly direction across the right-of-way of Chambers Road a distance of 107 +/- feet to a point, said point being on the easterly right-of-way line of Chambers Road, and being the northwest corner of Tax Map Parcel No. 47.04-2-3;

Thence in a northeasterly direction along the northern boundary line of Tax Map Parcel No. 47.04-2-3 a distance of 235 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 47.04-2-3, and being on the center line of Sing Sing Creek;

Thence in a southerly direction along the western boundary line of Tax Map Parcel No. 47.04-2-3 a distance of 326 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-1-55, and being on the center line of Sing Sing Creek;

Thence in a southerly direction along the western boundary line of Tax Map Parcel Nos. 47.04-1-55 and 47.04-1-54 a distance of 257 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-1-53;

Thence in a easterly direction along the northern boundary line of Tax Map Parcel No. 47.04-1-53 a distance of 275 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-1-53, and being on the western right-of-way line of Stonybrook Drive;

Thence in an easterly direction across the right-of-way of Stonybrook Drive a distance of 50 +/- feet to a point, said point being on the easterly right-of-way line of Stonybrook Drive, and being the northwest corner of Tax Map Parcel No. 47.04-1-75;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel Nos. 47.04-1-75, 47.04-1-76, 47.04-1-77.2, 47.04-1-77.1, 47.04-1-78, 47.04-1-79, 47.04-1-80, and 47.04-1-81 a distance of 1193 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 47.04-1-81, and being on the western right-of-way line of Birch Road;

Thence in an easterly direction across the right-of-way of Birch Road a distance of 50 +/- feet to a point, said point being on the easterly right-of-way line of Birch Road, and being the northwest corner of Tax Map Parcel No. 47.04-1-82;

Thence in a easterly direction along the southern boundary line of Tax Map Parcel No. 47.04-1-56.2 a distance of 223 +/- feet to a point, said point being the southeast corner of Tax Map Parcel No. 47.04-1-56.2;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 47.04-1-85 a distance of 1724 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 47.04-1-85;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel Nos. 47.04-1-85, and 48.03-1-2.32 a distance of 1270 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 48.03-1-2.32;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 48.03-1-2.32 a distance of 1744 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 48.03-1-73;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 48.03-1-73 a distance of 140 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 48.03-1-73, and being on the western boundary line of Tax map Parcel No. 48.03-1-74.11;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 48.03-1-74.11 a distance of 279 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 48.03-1-74.11;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 48.03-1-74.11 a distance of 67 +/- feet to a point, said point being on the southern right-of way line of Woodland Way;

Thence in an easterly direction along the southern right-of-way line of Woodland Way and across the right of way of Barnes Hill Road a distance of 642 +/- feet to a point, said point being on the western right-of way line of Barnes Hill Road;

Thence in a northerly direction along the western right-of-way line of Barnes Hill Road a distance of 3944 +/- feet to a point, said point being on the eastern right-of way line of Barnes Hill Road, and being the northwest corner of Tax Map Parcel No. 48.03-4-98;

Thence in an easterly direction along the northern boundary line of Tax Map Parcel No. 48.03-4-98 a distance of 192 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 48.03-4-98;

Thence in an southeasterly direction along the northern boundary line of Tax Map Parcel No. 48.03-4-98 the following distances 999.21, 637.40, and 953.41 for a total distance of 2590 +/- feet to a point, said point being the northeasterly corner of Tax Map Parcel No. 48.03-4-98 and being on the western boundary line of Tax Map Parcel No. 48.01-2-6.11;

Thence in a northerly direction along the western boundary line of Tax Map Parcel No. 48.01-2-6.11 a distance of 2196 +/- feet to a point, said point being the northwest corner of Tax Map Parcel No. 48.01-2-6.11;

Thence in a southeasterly direction along the northern boundary line of Tax Map Parcel No. 48.01-2-6.11 a distance of 1075 +/- feet to a point, said point being the northeast corner of Tax Map Parcel No. 48.01-2-6.11;

Thence in a southerly direction along the eastern boundary line of Tax Map Parcel No. 48.01-2-6.11 a distance of 3366 +/- feet to a point, said point being the northeasterly corner of Tax Map Parcel No. 48.01-2-6.11, and being on the eastern boundary line of the Town of Big Flats;

Thence southerly along the easterly boundary line of the Town of Big Flats a distance of 7741 +/- feet to the point of beginning.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 02-040815
A RESOLUTION TO SET A PUBLIC HEARING REGARDING THE TOWN OF BIG FLATS
WATER DISTRICT'S PROPOSAL TO ENTER INTO AN AGREEMENT AS SET FORTH
BELOW TO CONSOLIDATE ALL THREE PRESENTLY EXISTING WATER DISTRICTS
INTO ONE WATER DISTRICT, TO BE KNOWN AS WATER DISTRICT #5

Resolution by:
Seconded by:

WHEREAS the Town Board sitting as the Town of Big Flats Water Board has determined that the Water Districts 1-3 would function more efficiently if they were to be consolidated into one Water District to be designated as Water District 5, and

WHEREAS the Town Board sitting as the Town of Big Flats Water Board has drawn a proposed agreement to have the Water Districts 1-3 consolidated into one District, Water District 5, and

WHEREAS for environmental review purposes, adoption of regulations, policies, or procedures and local legislative decisions such as the consolidation of special districts are Type II actions in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED that the Town Board sets the time and place for the Public Hearing on the Proposed Joint Consolidated Agreement pursuant to GML §754 and will be conducted on April 22, 2015 at 7:02 p.m. at the Big Flats Town Hall located at 476 Maple Street, Big Flats, New York 14845.

TOWN OF BIG FLATS PROPOSED MUNICIPAL WATER DISTRICT
PROPOSED JOINT CONSOLIDATION AGREEMENT

PURPOSE The public purpose for the consolidation of existing and contiguous Town Water Districts 1, 2, and 3, is to provide a long-term, safe, reliable and economical water supply to customers within those districts.

METHOD

A new Town Water District is to be comprised of the existing infrastructure, users and boundaries of the current Town Water Districts 1, 2 and 3 which is anticipated to be extended by Board resolution on May 13, 2015.

AUTHORITY

Article 17-A of the General Municipal Law of the State of New York ("GML Art 17-A") and specifically Sections 750 through 793 thereof, effective March 21, 2010, authorizes the consolidation of special districts within a town and amends relevant provisions of the Town Law (§§ 57, 81, 195 and 209-q), the Local Finance Law (§24) and the Municipal Home Rule Law ("MHRL") (§33-a) to facilitate such consolidations. The Town of Big Flats specifically invokes its authority under the New York State Constitution, Municipal Home Rule Law Article 10 and §792 of the General Municipal Law to supersede any relevant but inconsistent provisions of either state or local laws.

1. Pursuant to General Municipal Law §752, the names of each local government entity to be consolidated are: Town of Big Flats Water District #1, Town of Big Flats Water District #2, and Town of Big Flats Water District #3.

2. The name of the proposed consolidated local government entity is Town of Big Flats Municipal Water District #5.

3. The rights, duties and obligations of the proposed consolidated local government entity are the same as those that currently exist in Town Water Districts 1,2, and 3, as more specifically described in the previously filed Engineer's Map, Plan and Report by Hunt Engineers, Architects & Land Surveyors, PC dated February 2015, as amended, hereinafter "MPR" (the contents of which are specifically incorporated into this Joint Consolidation Agreement for the Town of Big Flats Municipal Water Districts) and are those afforded special districts under the New York State Town Law and General Municipal Law Article 17-A.

4. The territorial boundaries of the proposed consolidated local government entity are the same as currently exist on the contiguous exterior of current Water Districts I, 2, and 3, with the contiguous interior boundaries removed, as described and depicted in the filed MPR. The proposed boundaries of Town of Big Flats Municipal Water District 5 are generally described as being North and South of 186, along Hibbard Road, Sing Sing Road and CR64 to East town line boundary and along SR 352 and are anticipated to be set forth in a resolution extending Districts 1-3 anticipated to be approved by the Town Board on the 22nd day of April, 2015

5. The type and/or class of the proposed consolidated local government entity is a "Special District" as that term is defined in Article 12 & 12A of the NYS Town Law for the supply of water to end users.

6. The governmental organization of the proposed consolidated local government entity is that of a Special District within a Town as provided in the NYS Town Law. Specifically, the Town Board of the Town of Big Flats currently functions as the Commissioners of Town Water Districts # 1, 2, 3, and 4 and will continue to function as Commissioners of the consolidated Town of Big Flats Municipal Water District 5, without a special election therefore, after the consolidation is complete. Water district 4 shall survive as a separate Water District.

7. A detailed fiscal estimate of the cost which may be realized from consolidation is continued in the previously referred to MPR which is on file in the Town Clerk's office and that MPR is incorporated herein. In general, the cost of the consolidation itself of the existing districts is estimated to be any legal costs and engineering expenses as well as the cost of preparing the MPR. The savings incurred by the consolidation will basically consist of the simplification of accounting previously done for three separate Districts. The end users within the existing Water Districts #1, 2, 3, and 4 will see estimated annual savings of \$0. There will be a need to adjust rates as District 1 has had a rate structure different from the other 2 Districts which will be consolidated with it into District 5. While some rates may increase, it is recognized that the cost of water from the Big Flats Water Districts has always been amongst the lowest in most of Water Districts in the State of New York and in other states. It is also recognized that there has been no rate increase since January 3, 2000.

8. Each entity's assets are detailed in the MPR and consist basically of three water wells (one in former District 1 and two in former District 2), water storage, water transmission and distribution infrastructure and equipment but no real property. All other assets such

as trucks, computers etc. have been previously purchased jointly between the four Water Districts. The estimated fair value of Districts 1 & 2 assets is \$31,557,340. For District 1, the current asset value is approximately \$9,385,402. For District 2, the current asset value is approximately \$22,171,938. For District 3 the current asset value is approximately \$3,184,260. Water District 4 shall remain a separate entity and it has its own well, piping and tank.

9. Each entity's liabilities and indebtedness are set forth in the previously filed MPR and consist of no debt in Water Districts #1 and 2, and in Water District 3 there is a total debt of \$514,275 in bond, principal and interest. (There are bonds due to mature in 2020 and a BAN that is being restructured in 2015) in Water District #3.

10. The terms for disposition of existing assets, liabilities and indebtedness of each local government entity is that they will stay in place as will the users of the existing water districts. Existing debt within the individual districts will remain the responsibility of its respective users as it was prior to consolidation. Future improvements to the consolidated Water District 5 will be financed via joint indebtedness for the entirety of Water District 5 and paid for on a benefit basis as determined by the Town of Big Flats.

11. The terms for the common administration and uniform enforcement of local laws and the like within the proposed consolidated local government Water District 5, are those rules and regulations promulgated by the Town of Big Flats, and enforced by the Town of Big Flats pursuant to the Big Flats Town Code and State and County Health Department Regulations consistent with GML §769, all local laws, ordinances, rules or regulations currently in effect for the component Water Districts on the effective date of consolidation shall remain in full force and effect until repealed or amended. The Town of Big Flats Town Board will adopt such new local laws, ordinances, rules and regulations as necessary to redress conflicts or ambiguities in existing laws and the like for the common administration and uniform governance of the consolidated Town of Big Flats Municipal Water District 5.

12. The effective date of the proposed consolidation will be immediately upon the adoption of the Proposed Joint Consolidation Agreement by Resolution of the Big Flats Town Board and in conformity with General Municipal Law §756, which is estimated to be voted on at the May 13, 2015 Town Board meeting after the public hearing regarding this issue is held.

13. The time and place for the Public Hearing on this Proposed Joint Consolidated Agreement pursuant to General Municipal Law §754 will be as noticed by resolution of the Big Flats Town Board and is set for May 13, 2015 at 7:02 p.m. at the Big Flats Town Hall located at 476 Maple Street, Big Flats, New York 14845.

Proposed by the members of the Town of Big Flats Town Board, acting as the Commissioners of Town Water Districts # 1, 2, 3, and 4, on April 8, 2015.

Approved by:
Edward Fairbrother
Supervisor of the Town of Big Flats

CARRIED: AYES:
NAYES:

PROPOSED RESOLUTION NO.03-040815

A RESOLUTION TO APPROVE THE PURCHASE OF NEW BILLING SOFTWARE AND ANNUAL MAINTENANCE FOR THE WATER DEPARTMENT NOT TO EXCEED \$21,500

Resolution by:

Seconded by:

WHEREAS the current Inhance billing software from Harris used in the Water Department has been found deficient in the course of tracking Backflow Maintenance conferred onto the Water Department by the NYSDOH and that the current software has a very high annual maintenance cost of +\$6,000, the Water Department has been looking at new billing software, and

WHEREAS the Water Department looked at software from Springbook, KVS, MuniBilling, Williamson Law and Continental Utility Solutions (CUSI) and from the perspective of the Water Department personnel the software from CUSI would be the best fit for both the financial and practical needs of the Water Department, and

WHEREAS the Purchase Agreement includes billing software, backflow software, a credit card payment module and website interface, conversion of one year's data, conversion to the software that the new radio read meters use to transfer readings and a total of six days training, to be conducted online (onsite training will incur travel costs), for a cost of \$19,600 with annual technical support and maintenance at \$1,900/yr. for a total purchase price of \$21,500, and

WHEREAS it is the plan of the Water Department to terminate the Inhance software after the conversion is done and to start implementation of the new CUSI software in July or August and to run concurrently with Inhance for two billing cycles, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA NYCRR, part 617.5 (c) (20, 25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign a Purchase Agreement with Continental Utility Solutions, Inc. (CUSI) for water billing software for the sum of \$21,500, twenty-one thousand, five-hundred dollars. There is also an annual maintenance/support fee of \$1,900 (included in above for the first year).

CARRIED: AYES:
NAYES:

PROPOSED RESOLUTION NO.04-040815
A RESOLUTION APPROVING LOCAL LAW NO 1 OF 2015,
CONSERVATION & RECREATION CONSERVATION ZONING AMENDMENT

Resolution by:

Seconded by:

WHEREAS the Town of Big Flats Department of Planning Staff have reviewed the Town of Big Flats Conservation and Recreation Conservation districts and found reasonable facts to support a Zoning Amendment, and

WHEREAS the Town of Big Flats Department of Planning provided a special report dated December, 2013 documenting references to the Town of Big Flats Conservation and Recreation Conservation district related to Local Law No.1 of 2015, and

WHEREAS the Town of Big Flats Planning Board has reviewed Local Law No.1 of 2015 and found, Resolution P2015-3, the Conservation and Recreation zoning amendment to be consistent with the Town of Big Flats Comprehensive Plan, and

WHEREAS the Chemung County Planning Board, as per NYS General Municipal Law, shall review Local Law No.1 of 2015, and

WHEREAS the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617, and

WHEREAS the Town of Big Flats Town Board has considered the Full Environmental Assessment Form and other materials prepared by Town Staff and Town Consultant in support of the proposed action, shall consider the comments of the Town of Big Flats Planning Board, and verbal commentary during the Town Board's meetings pertaining to the review and evaluation of the proposed action, and

WHEREAS the Town of Big Flats Town Board held a public hearing February 25, 2015 on Local Law No.1 of 2015, and

BE IT THEREFORE RESOLVED that the Board of the Town of Big Flats hereby determines, Pursuant to the provisions of SEQR 6 NYCRR Part 617, the proposed Unlisted Action will not have a significant adverse environmental effect and preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

BE IT FURTHER RESOLVED that the Board of the Town of Big Flats has relied upon the facts and information contained in its record file regarding the proposal, in making the above SEQR determination of non-significant adverse environmental effect (Negative Declaration), and

FURTHER RESOLVED the Town Board approves the Zoning Amendment titled Local Law No.1 of 2015.

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO.05-040815
A RESOLUTION TO APPROVE THE COMMUNITY BROADCASTERS, LLC, FIREWORKS
AT THE ELMIRA CORNING REGIONAL AIRPORT ON
SATURDAY JUNE 27TH, 2015

Resolution by:

Seconded by:

WHEREAS Community Broadcasters, LLC has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on Saturday, June, 27, 2015 at 9:45 p.m., with no rain date, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney of the Town, permitting the fireworks display sponsored by Community Broadcasters. LLC, at the Elmira Corning Regional Airport to be held on June 27, 2015 at 9:45 P.M. with no rain date.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 06-040815
A RESOLUTION TO APPROVE THE FELLING UTILITY TRAILER PURCHASE

Resolution by:

Seconded by:

WHEREAS the Commissioner of Public Works recognized the need to purchase a new Parks Department Utility Trailer, and

WHEREAS the purchase of a new Parks Department Utility Trailer was planned and budgeted for, by the Town Board for the year 2015, and

WHEREAS the quoted price from Tracey Road Equipment Inc. using the NJPA contract #031711-FTS for a 2015 Felling FT- IT-I Drop Deck Tilt Trailer and attachments, for Six Thousand, Eight Hundred Twenty Eight Dollars (\$6,828), and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2015 Felling FT- IT-I Drop Deck Tilt Trailer from Tracey Road Equipment Inc. using the NJPA contract #031711-FTS for the sum not to exceed Six Thousand, Eight Hundred Twenty Eight Dollars (\$6,828).

CARRIED: AYES:

 NAYS:

PROPOSED RESOLUTION NO. 07-04082015
A RESOLUTION TO APPROVE THE ATTENDANCE FOR LINDA CROSS TO ATTEND
THE ASSOCIATION OF TOWNS TAX RECEIVERS AND COLLECTORS SEMINAR

Resolution by:

Seconded by:

WHEREAS the New York Association of Tax Receivers & Collectors seminar is a training Seminar for Tax Collectors, and

WHEREAS said seminar is held annually with representatives offering sessions for updates regarding new and proposed regulations that effect the operations of office of the Tax Collector, and

WHEREAS Tammy Stein Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Linda Cross, Town Clerk, to attend the New York State Association of Tax Receivers & Collectors Seminar held June 7th – 10th, 2015, using the Town car with expenses, not-to-exceed Six Hundred Fifty (\$650.00) and all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 08-040815
A RESOLUTION TO SET A PUBLIC HEARING LOCAL LAW NO. 2 OF 2015, AMENDING
THE CODE OF ETHICS, AND TO REPLACE THE TOWN OF BIG FLATS MUNICIPAL
CODE, CHAPTER 2.08

Resolution by:

Seconded by:

Code of Ethics for Town Employees and Officers

WHEREAS Article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806(1)(a) of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable, and

BE IT RESOLVED that an amendment whereby the Town of Big Flats proposes to adopt a code of ethics to read as below and which will entirely replace Chapter 2.08 of the Town of Big Flats Municipal Code and become a new Chapter 2.08 therein titled Code of Ethics and shall be Local Law #2 of 2015, and

BE IT RESOLVED that this local law is hereby introduced as Local Law #2 of the year 2015 before the Town Board of the Town of Big Flats in the County of Chemung and State of New York, to become a new Chapter 2.08 therein titled Code of Ethics”, and

BE IT FURTHER RESOLVED, that a copy of the aforesaid proposed local law which is below hereto, be delivered to each member of the Board by email, and

BE IT FURTHER RESOLVED that this local law shall be subject to a permissive referendum at the public hearing, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed amendment at the Town Hall, in the Town of Big Flats, New York at 7:04 p.m. on April 22, 2015, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Big Flats of said public hearing at least five (5) days prior thereto.

Code of Ethics of the Town of Big Flats

Section 1. Purpose.

Officers and employees of the Town of Big Flats hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

(a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” means this code of ethics.

(c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(d) “Municipality” means The Town of Big Flats. The word “municipal” refers to the municipality.

(e) “Municipal officer or employee” means a paid or unpaid officer or employee of the Town of Big Flats, including, but not limited to, the members of any municipal board.

(f) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of Big Flats, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Big Flats.

Section 4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

- (i) all municipal officers or employees;
- (ii) all residents or taxpayers of the municipality or an area of the municipality; or
- (iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law* [see below]; or

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the municipality; or

(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

- (3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

- (a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism.

Except as otherwise required by law:

- (a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

- (a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- (b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics.

- (a) There is hereby established a board of ethics for the Town of Big Flats. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the Town of Big Flats, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Town Board, and shall serve at the pleasure of the Town Board, and receive no salary or compensation for their services as members of the board of ethics.
- (b) The board of ethics shall render advisory opinions to the officers and employees of the Town of Big Flats with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the Board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town of Big Flats.

Section 19. Posting and distribution.

- (a) The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control and shall cause a copy thereof to be given to every officer or employee of the Town of Big Flats. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Big Flats.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the clerk of the municipality, who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 21. Effective date.

This code takes effect immediately upon approval by resolution.

*General Municipal Law Section 805-a

Certain action prohibited.

1. No municipal officer or employee shall:

- a.) directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part;
- b.) disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
- c.) receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or
- d.) receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO. 09-040815
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR APRIL 8, 2015,
AS PRESENTED BY THE TOWN CLERK

Resolution by:
Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

March 19, 2015

County of Chemung Department of Law – January 2015 Inadvertent Sales Tax Allocation Overpayment Referred to: Town Board, Assessor and filed with Town Clerk.

March 19, 2015

Twin Tiers Honor Flight– Benefit Gala April 18, 2015 Referred to: Town Board, Town Court, and filed with Town Clerk

April 1, 2015

Time Warner Cable RE: April 1, 2015 Programming Notice Changes Referred to: Town Board, and filed with Town Clerk.

April 2, 2015

Big Flats Business Association- RE: Meeting Minutes. Referred to: *Town Board and Town Clerk for filing.*

CARRIED: AYES:
NAYS: